

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

UNITED STATES OF AMERICA

**V. CASE NO.: 4:19-cr-00212-JM
KESHAWN BOYKINS**

MOTION TO BE RELIEVED AS COUNSEL OF RECORD

Comes now, Mark Alan Jesse, and for his motion states:

1. Undersigned counsel was appointed to represent Keshawn Boykins in the above styled matter pursuant to the terms of the Criminal Justice Act, counsel being a panel attorney for this district.
2. At sentencing, Defendant was advised of his rights to appeal the matter subsequent to the entry of judgment.
3. Defendant advised the court that he had hired other counsel, although no alternate counsel appeared on the day of sentencing or had made any contact with the court. He indicated he wished for the sentencing to move forward with appointed counsel. Defendant had previously advised the court that his family had hired private counsel at a failed plea hearing the week before his trial, but like at his sentencing, no alternate attorney appeared, had filed an

entry of appearance, or notified the court or this counsel that a substitution was forthcoming.

4. At the conclusion of the sentencing hearing, Defendant was again advised by counsel of his right to appeal and further advised that counsel stood ready, willing and able to file a notice of appeal on his behalf if he so desired.

Pursuant to the local rules, counsel appointed at the trial level pursuant to the CJA is obligated to pursue an appeal on behalf of a Defendant who so wishes to appeal. Defendant advised he did not wish for this counsel to have any other involvement in his case, did not wish for counsel to assist with an appeal, and again advised his family had or would be retaining a private attorney for purposes of appeal. Defendant advised counsel he was discharged. The electronic filing system shows counsel's representation was terminated on August 5, 2022.

5. Upon receipt of a copy of the final judgment via electronic filing, counsel sent the Defendant his standard post judgment letter which again advised the defendant of his appeal rights and requested a response from the Defendant if he wished for counsel to file an appeal on his behalf. No response by phone, or mail or by any third party on his behalf was received.
6. Counsel saw via electronic filing that the Defendant thereafter filed a pro se notice of appeal.

7. On Nov 28, 2022, at 12:29 PM, Attorney Jimmy C. Morris; Jr. @

j.c.morrisatty@gmail.com wrote undersigned counsel and advised:

Good afternoon, I have been retained by Mr. Boykins to represent him for appeal purposes regarding the above-referenced matter. Mr. Boykins filed a pro se appeal. I was told by the Court that I could not move forward without the previous attorneys withdrawing. Will you file a Motion to Substitute so I can start working on his case? I look forward to hearing from you at your earliest convenience.

8. In furtherance of that request, counsel hereby moves to be relieved as counsel of record in the above styled matter.

9. Mr. Morris should be substituted as counsel of record for all further proceedings as requested by him.

WHEREFORE, Counsel moves to withdraw and for Mr. Morris to be substituted as counsel of record.

Respectfully submitted,

Mark Alan Jesse
Ar. Sup. Ct. No.: 92107
Attorney for Defendant
The Jesse Law Firm, P.L.C.
425 West Broadway, Ste. E.
North Little Rock, AR 72114
(501) 375-4422
E-Mail: Jesselawfirm@aol.com

CERTIFICATE OF SERVICE

I hereby certify that on 11/30/2022 I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which shall send notification of such filing to the following:

Jimmy C. Morris Jr.
Attorney at Law
221 W. Second Street
Suite 630
Little Rock, AR 72201
Phone: (501)319-7647
Fax: (501) 423-2000

Benecia Betton Moore
U. S. Attorney's Office
Eastern District of Arkansas
Post Office Box 1229
Little Rock, AR 72203-1229 r
501-340-2600
benecia.moore@usdoj.gov
Assigned: 01/26/2022
ATTORNEY TO BE NOTICED

I hereby certify that on 11/30/2022 , I mailed the document and a copy of the Notice of Electronic Filing (NEF) by United States Postal Service to the following non CM/ECF participants:

n/a

Mark Alan Jesse
Ar. Sup. Ct. No.: 92107
Attorney for Defendant
The Jesse Law Firm, P.L.C.
425 West Broadway, Ste. E.
North Little Rock, AR 72114

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